

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE**

COMMITTEE TO SAVE THE DERRY RAIL  
TRAIL TUNNEL, *et al.*

Plaintiffs,

v.

GLORIA SHEPHERD, FEDERAL HIGHWAY  
ADMINISTRATION, ACTING DEPUTY  
ADMINISTRATOR, *et al.*

Defendants.

Civil Action No. 1:24-cv-262-PB-AJ

**JOINT STIPULATION TO SUSPEND PLAINTIFFS' MOTION  
FOR PRELIMINARY INJUNCTION**

Plaintiffs Committee to Save the Derry Rail Trail Tunnel and Rails to Trails Conservancy (“Plaintiffs”) and Defendants Gloria Shepherd,<sup>1</sup> Patrick Bauer, and William Cass (“Defendants”), hereby jointly stipulate and agree as follows:

1. Until the Court enters judgement in this matter, Defendants will not perform construction in the immediate proximity of the M&L Railroad Historic District that would in any way foreclose or substantially hinder the Project’s eventual completion according to the 2020 Design.
2. The parties agree to work diligently and in good faith to expeditiously complete the briefing of cross-motions for judgment in accordance with the Parties’ Joint Case Discovery Schedule, which has been filed simultaneously with this joint stipulation.

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<sup>1</sup> Acting Deputy Administrator Shepherd has succeeded Administrator Shailen Bhatt. *See* Fed. R. Civ. P. 25(d).

3. Defendants will not later argue that the extent of completed construction on the Project tips the balance of equities against any injunction or other equitable relief, including the relief sought in Plaintiffs' Complaint.

In light of the foregoing stipulations, Plaintiffs, with the assent of Defendants, suspend their Motion for Preliminary Injunction and/or Relief Under 5 U.S.C. § 705 (ECF No. 20) without prejudice to its renewal.

Dated: January 8, 2025

Respectfully submitted,

**COMMITTEE TO SAVE THE DERRY RAIL  
TRAIL TUNNEL**

**RAILS TO TRAILS CONSERVANCY**

By their attorneys,

/s/ Mikayla C. Foster

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ADMINISTRATION, ACTING DEPUTY  
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DIVISION, ADMINISTRATOR**

By their attorneys,

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**CERTIFICATE OF SERVICE**

I, Mikayla C. Foster, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing on January 8, 2025.

/s/ Mikayla C. Foster

Mikayla C. Foster